

REMARKS

In response to the Office Action mailed November 3, 2006, Applicant respectfully requests reconsideration. Claims 1-7 were previously pending in this application. Claim 1 has been amended for clarity. New claims 8-16 have been added to more fully define Applicant's contribution to the art. As a result, claims 1-16 are pending for examination with claims 1, 8 and 15 being independent claims. No new matter has been added.

Priority Claim

The Office Action noted that the Applicant has not filed a certified copy of priority application FR 02/08114. Accordingly, Applicant submits herewith a certified copy of the priority application.

Rejections under 35 U.S.C. §112

The Office Action rejected claims 1, 5 and 7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action stated that "it is unclear how dividing the picture will lead to marking the video sequence with a binary code." Claim 1 has been amended herein to clarify that "macroblocks that form each picture," and that no dividing step is recited in claim 1. Accordingly, withdrawal of these rejections is respectfully requested in view of the clarifying amendments that have been made to claim 1.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1-7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,715,005 granted to Masaki, and further in view of U.S. Patent No. 5,960,081 granted to Vynne et al. Applicant respectfully requests reconsideration. Applicant respectfully disagrees that there exists motivation to combine the references as stated in the Office Action. However, even if the references were combined, the claims distinguish over the combination.

Masaki describes a motion picture coding apparatus in which each frame is divided into a plurality of blocks. Motion vectors are coded for each block (Abstract).

Vynne et al. describes watermarking digital video materials using a digital signature. The digital signal is embedded in the video sequence by changing the X and Y components of the motion vectors determined for the macroblocks (col. 7, lines 47-50).

By contrast, claim 1 as amended recites, *inter alia*, marking, for the pictures of the second category coded by motion vectors, only the macroblocks for which the motion vectors are greater than a predetermined threshold. Neither Masaki nor Vynne et al. teaches or suggests marking macroblocks. Rather, Vynne et al. describes forming a digital signature by altering X or Y components of motion vectors. Masaki fails to remedy this deficiency of Vynne et al. Therefore, claim 1 patentably distinguishes over Masaki and Vynne et al., either alone or in combination.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2-7 depend from claim 1 and are therefore patentable for at least the same reasons.

New Claims

Claim 8 recites:

A method of marking a video, the method comprising:
receiving video motion information representing a change
in position of a first image portion of the video;
determining whether the change in position of the first
image portion exceeds a threshold; and
marking the first image portion of the video, if the change
in position of the first image portion exceeds the threshold.

Claim 8 patentably distinguishes over Masaki and Vynne et al. because neither Masaki nor Vynne et al. teaches or suggests marking a first image portion of the video, if the change in position of the first image portion exceeds the threshold.

Claims 9-14 depend from claim 8 and are therefore patentable for at least the same reasons.

New claim 15 recites:

A device for marking a video, the device comprising:
a motion estimator that receives video motion information
representing a change in position of a first image portion of the

video and determines whether the change in position of the first image portion exceeds a threshold; and
a first marking unit that marks the first image portion of the video, if the change in position of the first image portion exceeds the threshold.

Claim 15 patentably distinguishes over Masaki and Vynne et al. because neither Masaki nor Vynne et al. teaches or suggests a first marking unit that marks the first image portion of the video, if the change in position of the first image portion exceeds the threshold.

Claim 16 depends from claim 15 and is therefore patentable for at least the same reasons.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: March 1, 2007

Respectfully submitted,

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